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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

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2 In re:
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4 MARC JOHN RANDAZZA
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6 Debtor.

7 Case No. BK-S-15-14956-ABL
8 Chapter 11

9 Hearing Date: February 27, 2017
10 Hearing Time: 1:30 p.m.

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**CREDITOR BANK OF AMERICA, N.A.'S RESPONSE TO DEBTOR'S MOTION TO
AUTHORIZE AND APPROVE TRANSACTION OUTSIDE THE ORDINARY COURSE OF
BUSINESS PURSUANT TO 11 U.S.C. § 363(B) RE: REFINANCING OF PROPERTY
OWNED BY MAGNOLIA HOLDING 19, L.L.C.**

20 Creditor Bank of America, N.A. ("BANA") by and through its undersigned counsel,
21 respectfully submits this response and reservation of rights in response to the referenced Debtor's
22 Motion to Authorize and Approve Transaction Outside the Ordinary Course of Business Pursuant to
23 11 U.S.C. § 363(b) Re: Refinancing of Property Owned by Magnolia Holding 19, L.L.C. (the
24 "Motion") [Doc. No. 176]. The Debtor also filed an Ex Parte Application for Order Shortening
25 Time to Hear Debtor's Motion to Authorize and Approve Transaction Outside the Ordinary Course
26 of Business Pursuant to 11 U.S.C. § 363(b) Re: Refinancing of Property Owned by Magnolia
27 Holding 19, L.L.C. (the "OST Application") [Doc. No. 178], which hearing is set for February 27,
28 2017, at 1:30 p.m.

BANA has no objection to the relief sought in the Debtor's OST Application, but reserves the right to seek Court authorization for a telephonic appearance at the hearing on the Motion, in the event local counsel is unable to attend on short notice.

BANA also has no objection to the Motion, provided that the proceeds of the New Loans (as defined in the Motion) are sufficient to repay in full the BofA Loan (as defined in the Motion) including all principal, accrued interest, fees, costs and expenses.

7 Needless to say, BANA takes issue with the characterization of its legal fees and expenses
8 accrued in this case as being “unnecessary” and “astounding” but will not burden the Court
9 unnecessarily with a detailed response that is not relevant to the pending Motion. BANA expressly
10 reserves all of its available rights and remedies.

DATED this 22nd day of February, 2017.

**WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP**


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Attorney for Creditor, Bank of America N.A.

CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of February, 2017, I served a copy of the foregoing
**CREDITOR BANK OF AMERICA, N.A.'S RESPONSE TO DEBTOR'S MOTION TO
AUTHORIZE AND APPROVE TRANSACTION OUTSIDE THE ORDINARY COURSE OF
BUSINESS PURSUANT TO 11 U.S.C. § 363(B) RE: REFINANCING OF PROPERTY
OWNED BY MAGNOLIA HOLDING 19, L.L.C.** upon all persons participating in the Court's
CM / ECF system in the above-captioned matter, as required by local rule.

By

An Employee of
**WILSON ELSEER MOSKOWITZ EDELMAN &
DICKER LLP**